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PTO/SB/30 (09-04)

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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/202,681
	Filing Date	Int'l. - June 19, 1997
	First Named Inventor	Eric J. MATHUR
	Art Unit	1652
	Examiner Name	R. Hutson
	Attorney Docket Number	564462001001

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (11 pages)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Fee Transmittal (1 page + duplicate)  
 Petition for 2M Extension of Time (1 page)  
 Fax Cover Sheet (1 page)
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952 I have enclosed a duplicate copy of this sheet. Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2036 enclosed)

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SIGNATURE OF APPLICANT/ATTORNEY, OR AGENT REQUIRED			
Signature		Date	June 14, 2005
Name (Print/Type)	Gregory P. Einhorn	Registration No.	38,440

I hereby certify that this correspondence is being facsimile transmitted to Mail Stop RCE, the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: June 14, 2005

Signature: Norman Green (Norman Green)

PAGE 2/16 \* RCVD AT 6/14/2005 9:07:22 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID:858 720 5125 \* DURATION (mm-ss):04-36

09202681

06/16/2005 LWDNDIM1 00000044 031952

395.00 DA

FC:2801

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008, OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/02/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete If Known</b>		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/202,681	
		Filing Date	Int'l. - June 19, 1997	
		First Named Inventor	Eric J. MATHUR	
		Examiner Name	R. Hutson	
		Art Unit	1852	
TOTAL AMOUNT OF PAYMENT (\$)		580.00	Attorney Docket No.	584462001001

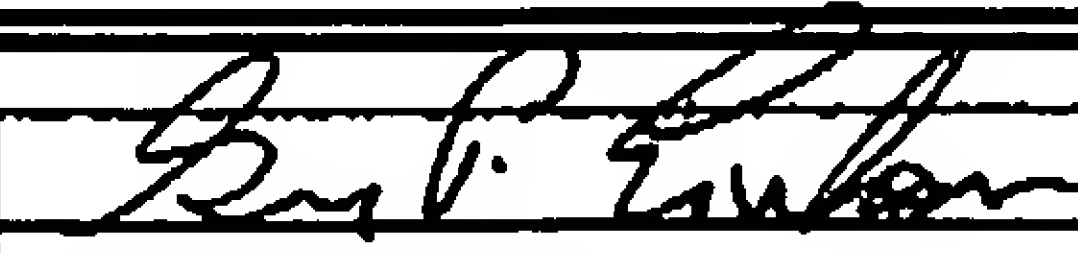
  

<b>METHOD OF PAYMENT (check all that apply)</b>	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>03-1852</u> Deposit Account Name: <u>Morrison &amp; Foerster LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<u>Small Entity</u>	
						<u>Fee (\$)</u>	<u>Fee (\$)</u>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>			
_____	_____	x _____	_____	<u>Fee (\$)</u> <u>Fee Paid (\$)</u>			
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>				
_____	_____	x _____	_____				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	_____	_____			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2252 Extension for response within second month						165.00	
(less 1 Mo. Extension Fee paid with Response filed 04/18/05)							
2801 Request for continued examination (RCE) (see 37 ...)						395.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	38,440
Name (Print/Type)	Gregory P. Elhorn	Telephone	(858) 720-5133
		Date	June 14, 2005

JUN 14 2005

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FROM: Gregory P. Einhorn - Reg No. 38,440

DATE: June 14, 2005

Number of pages with cover page: 16	Original or hard copy to follow if this box is checked <input type="checkbox"/> .
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**Comments:**

Attorney Docket: 564462001001  
 Group Art Unit: 1652  
 Examiner: R. Hutson  
 Serial No.: 09/202,681  
 Filing Date: Int'l. - June 19, 1997  
 Inventor(s): Eric J. MATHUR et al.  
 Title: PHOSPHATASES, POLYNUCLEOTIDES ENCODING THEM  
 AND METHODS OF MAKING AND USING THEM  
 (AMENDED)

**Papers attached:**

1. RCE Transmittal (1 page)
2. Fee Transmittal (1 page + duplicate)
3. Petition for 2 Month Extension (less fee for previously filed 1 Month Extension) of Time Under 37 CFR 1.136(a) (1 page)
4. RCE Response and Amendment (11 pages)

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